THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16279 of 2007

Dated: 31-07-2007

Between:

G.Girish Reddy.

..... PETITIONER

AND

The District Collector, Ranga Reddy District, Hyderarbad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

Father of the petitioner – Bharath Reddy, was allegedly assigned an extent of Acs.10.00 in survey No.972 (subject land) situated at Kukatpally Village, Balanagar Mandal, Ranga Reddy District. It is alleged that Bharath Reddy was freedom fighter, and therefore, assignment was made to him in 1961. After death of Bharath Reddy on 21.09.1984, the petitioner, his brothers and mother succeeded to subject land. They also obtained family members certificate from third respondent on 18.06.2005. Be that as it is, the petitioner made an application in March, 2006, requesting third respondent to issue pattadar passbook(PPB)/title deed(TD), which were not given. He, therefore, filed W.P.No.18422 of 2006 praying for a direction to third respondent to issue PPB/TD. This Court disposed of said writ petition on 11.09.2006 observing that the appropriate authority may pass appropriate orders on the application within four weeks. The petitioner filed C.C.No.409 of 2007 alleging contempt on the part of third respondent in not complying with the orders of this Court dated 11.09.2006. When the contempt case was heard, the learned Assistant Government Pleader for Revenue placed before this Court a Memo No.B/10925/2005 dated 15.11.2006 issued by third respondent rejecting the request of the petitioner for issue of PPB/TD. Therefore, the contempt case was dismissed. Now instant writ petition is filed against said Memo dated 15.11.2006, whereby and whereunder the request of the petitioner for issue of PPB/TD was rejected on the ground that the land in survey No.972 is recorded as Kharij Khata Sarkari in the pattadar column and *sarkari* in possession column in the pahani for
2003-2004. The memo also refers to a report of the Additional Mandal Revenue Inspector dated 28.01.2006, which was submitted after conducting local enquiry to the effect that the land has been lying vacant for more than a decade and that it is a Government land.

The learned counsel for the petitioner submits that when the land is recorded as Kharij Khata, it was not necessarily mean that it is *sarkari/*Government land. According to the learned counsel even when the land is in possession of the assignee, it continues to be recorded as *sarkari* and therefore, the impugned memo is unsustainable.

The request of the petitioner for issue of PPB/TD was rejected on the ground that it is sarkari/Government land. Under Section 12 of the Andhra Pradesh Rights in Land & Pattadar Pass Books Act, 1971, the question of issue of PPB in respect of the land owned by state and central Government does not arise. When the revenue records show

that subject land belongs to state Government, the question of issue of PPB in respect thereof does not arise. The petitioner may seek appropriate remedy in a Civil Court seeking a declaration. The writ petition is misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

31st July, 2007
ghn